

ORIGINAL

United States District Court
Eastern District of New York
Ann Burton,

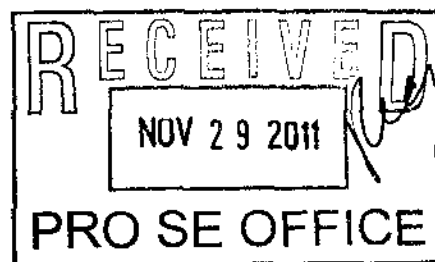
Plaintiffs

- against -

Silvercrest Center for Nursing
and Rehabilitation, et al.)

Defendants.

Objection TO Order
11-CV-1417 (SLT) (LB)



Judge Townes, U.S. District Judge:

Pltf objects to Judge Townes Memorandum and Order dated November 18, 2011 and received November 22, 2011, as follows:

1) Discovery has been contentious and biased. Among Orders dated July 12, 2011 (Docket Entry #18); July 28, 2011 (Docket Entry #21); Aug 16, 2011 (Docket Entry #25); Aug. 30, 2011 (Docket Entry #30); Sept. 1, 2011 (Docket Entry #31); Oct. 17, 2011 (Docket Entry #38); and Nov. 1, 2011 (Docket Entry #40) of which pltf is not in receipt, approximately fourteen (14) Orders were issued to pltf, and four (4) Orders were issued to defts who have failed to even respond to pltf's objections in the Court's Order 15.

2) Pltf is not in receipt of defts' alleged letter filed on

November 8, 2011, seeking a pre-motion conference... to dismiss this case pursuant to Rules 37 and 41(b) of the FRCP, that pltf violated Judge Blooms' orders by leaving her Oct. 31, 2011, deposition prematurely.

Judge Blooms' orders were in error pursuant to FRCP Rule 30 which pltf objected to on Oct. 31, 2011. In addition MJ Bloom orders that since mold and mildew and gas in pltf's apartment is making her ill, that's more of a reason for pltf to want to stay at the deposition environment, for seven (7) hours, as opposed to going home, in violation of FRCP Rule 30.

Although I am appalled to the Courts insensitivity and unlawful Orders, I am not surprised.

In addition, pltf requests an extension, to respond to def's' alleged Nov. 8, 2011 filing, to Dec. 30, 2011, with her objection. See rule 46 FRCP.

3) Pltf's submission dated Nov. 7, 2011, not Nov. 9, 2011 entitled Pltf's Objections were cc'd to: Judge Amon, MJ Bloom and Kantor. Paragraph (2) is a clear reference to Judge's Townes' order for pltf to "see docket sheets for non received M+O's." The Courts assumption that pltf's correspondence is addressed to Judge Amon is in error, when in fact the Objection is not addressed to anyone, but obviously with the cc's to

Judge Amon, Judge Bloom, and Kantor the Objection is intended for Judge Townes.

4) Pltff objects that she failed to "identify adequately the ruling to which objection is made or to articulate the legal ground for making the objection. Pltff clearly referenced the Objection in paragraph (5) to FRCP 37, 26, 30 and pltffs Constitutional rights, which are the 1, IV, and V Amendments.

5) Pltffs objection is not in response to depts' alleged pre-motion conference dated Nov. 8, 2011, and there is not even a remote possibility in that Pltffs Objections are dated Nov. 7, 2011.

Conclusion

- 1) Pltffs submission is dated Nov. 7, 2011 and not Nov. 9, 2011.
- 2) Pursuant to FRCP 30 Pltffs' medical emergency and early deposition termination is within the law.
- 3) Pursuant to FRCP 26 and 33 pltff has submitted objections in writing and orally, which is her right per law. Pltffs notes, at the deposition, is irrelevant to parties defenses.
- 4) Pursuant to FRCP 30 the Courts "warning" and threat to dismiss Pltffs case under Rule 37 of FRCP is not only "inhumane," but also in violation of FRCP 30.

- 5) The Courts requirement that p14f did not produce a doctor's note does not comply with any FRCP statute, and had p14f sought medical care for signs and symptoms which developed in the morning of Oct. 31, 2011 date of deposition, p14f would not have appeared at the deposition at all. In addition p14f is a Registered Nurse legally bound by the Nursing Process, which is presented to a doctor to formulate his/her medical process.
- 6) The Courts ruling precluding p14f from submitting medical or mental health care records for p14fs failure to produce executed releases is a violation of FRCP 26, and 37, which def's have failed and refused, to respond to p14fs requests; p14f has requested the Courts assistance in Subpoena's and Motion to Compel discovery for both parties interest. P14f has not been granted access to her medical records to determine if the records are necessary for support of her complaint. The Court has not responded to p14fs numerous requests and inquiries.
- 7) P14f has submitted a Motion to MS Bloom dated Nov. 9, 2011, which consisted of Motion to Compel discovery/terminate, and/or Protective Order, which evoked no response.

Amy Burt
196-150 65th Ave 1B
Fresh Meadows NY 11365

Dated: Fresh Meadows, NY
November 26, 2011
cc: Alexa Kantor

2nd Submission

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United States District Court
Eastern District of New York

Ann Burton,
Plaintiff,
- against -

Notice of Motion
11-CV-1417 (SLT)(LB)

Silvercrest Center for Nursing
and Rehabilitation, et al.,

Defendants.

Hon. Lois Bloom,

Please take notice that upon the annexed affirmation of Ann Burton, affirmed on November 2, 2011, the pleadings herein, Pltff will move this Court, before Lois Bloom, United States District/Magistrate Judge, for an order pursuant to Rules 26, 32, 37 of the Federal Rules of Civil Procedure granting Motion to Compel Discovery production from Silvercrest Center for Nursing and Rehabilitation, et al.; AFGE 1988, et al.; Eric Shinseki et al.; White House Placement, et. al.; N.Y. S. Department of Labor et al.; State Education Department, Office of Professional Discipline, et al.; which pltff has made a good faith effort to obtain, because in the absence of discovery information pltff is unable to complete employment applications. Pltff submitted four interrogatory and discovery responses to 11-CV-1417 depts, which evoked no response.

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Pltf also moves the Court to honor objections to disclosures and discovery requested by 11-cv-1417 depts, which are inconvenient, unduly burdensome, irrelevant to defense of pltf's claim, and which can be obtained by other means, eg: Dr Tustan's address via "411" call.

Pltf moves the Court for a Protective Order for confidential information eg: my daughters information, and physicians and medical information, and for depts to respond to pltf's Confidentiality Stipulation.

In light of the bad faith fraudulent, non beneficial deposition, which Alecia Kantor demanded "Yes" or "No" answers, pltf moves the Court to order that the Discovery/Deposition not be had.

I declare under penalty of perjury that the foregoing is true and correct.

Respectfully submitted
Gunn Benton PLo Se
196-15E 65th Crescent #113
Fresh Meadows, NY 11365

Dated: Fresh Meadows, NY
November 9, 2011

2ND Submission

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U.S. District Court
E.D.N.Y.

Ann Burton,
- against- ^{Pltf.}

Objection to Deposition
Testimony and Exhibits

11-CV-1417 (SLT)(LB)

Silvercrest Center for Nursing
and Rehabilitation, et. al.,
Def.

Judge Townes

Pltf objects to Deposition Testimony and exhibits on the
following grounds:

- 1) Notice of Deposition was illegal, fraudulent, and
contained false representation, and omission of fact.
- 2) Failure to designate the testimony that the party intended
to introduce, and question pltf.
- 3) Alena Kantor lied and stated in Notice that Darlene
Wutzman and Marie Mitchell would depose pltf, as
if Alena Kantor is an entity, which pltf should fear, na.
- 4) Deposition was conducted in bad faith, and Alena
Kantor demanded "Yes" or "No" answers, as well as
demanded answers per her unit of measures of time.
- 5) Alena Kantor deposed pltf on irrelevant "post termi-
nation" personal matters, such as who has pltf's con-

2nd Submission

puter, and where does that person reside.

- 6) Alesia Kantor bagged p14f, and ignored p14f's objections.
- 7) Alesia Kantor, illegally seized p14f's property, a handwritten medical statement to explain p14f's request for early deposition termination, for medical exigency, and made p14f's property "Exhibit B," despite p14f's objection, which violated p14f's Constitutional rights.
- 8) Alesia Kantor conducted a deposition, which was intended to annoy, embarrass, and oppress p14f, with lies to MJ Bloom, and inflammatory, defamatory and derogatory comments, eg: "has anyone told you that you have a memory problem.., and "you are a registered nurse and you do not know your physicians specialty..."
- 9) Violations of FRCP 26, 30, 37, and Amendments 1, IV, and V.

I declare under penalty of perjury the foregoing is true and correct.

Wm Bule
196-154 65th Ave 1B
Fresh Meadows, NY 11365

Dated: Fresh Meadows, NY
November 18, 2011

cc: Alesia Kantor

via 1st class USPS Mail

2nd Submission

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United States District Court
Eastern District of New York

Ann Burton,
Plaintiff,
- against -

Silvercrest Center for
Nursing and Rehabilitation,
et al.,
Defendants.

Notice of Motion to
Terminate Deposition,
and Compel Discovery/
Document Production,
and for Protective Order.
11-cv-1417 (SLT) (LB)

Judge Townes,

Please take notice that upon the annexed affirmation of Ann Burton on November 15, 2011, and upon the exhibits attached thereto, and the pleadings herein, Pltff will move this Court, before Judge Townes, United States District Judge, for an order pursuant to Rules 26-32, and 37 of the Federal Rules of Civil Procedure granting:

1. Motion to Compel Discovery Production from Silvercrest Center for Nursing and Rehabilitation, et. al.; AFGE 1988, et. al.; Eric Shenseki et. al.; White Glove Placement, et. al.; N.Y.S. Department of Labor et. al.; State Education Department, Office of Professional Discipline, et. al.; Dr. Russell Beckhardt, Ear, Nose, & Throat, 738 Franklin Avenue, Franklin Square, NY 11010, and Dr.

2nd Submission

Da Cunda Trotter, Jamaica Medical Care, 172-06 Jamaica Ave,
Jamaica, NY 11432, and The City of NY, Dept of Health,
N.Y.P.D., Dept of Environment Protection, 311, and 911.

2. Silvercrest Center for Nursing and Rehabilitation, et. al.;
deposed p14 regarding the aforementioned parties and
documentary evidence, which was stolen, and which
p14 has been unable to access. In the absence of the said
discovery and order p14's rights are hindered.
3. P14 submitted four interrogatory and discovery responses
to 11-cv-1417 depts, which evoked no response
4. P14 moves the Court to address p14's objections to the
11-cv-1417 depts failure to respond to p14's Confidentiality
Stipulation, regarding medical release or authorization,
and stolen documents.
5. P14 moves the Court to terminate the discovery on the
grounds that it was conducted in bad faith; with a
fraudulent Notice of Deposition; deposed irrelevant
questions, eg: a computer purchased after termination,
my daughters name and address, and when p14
married and married name.

2nd Submission

6. Pltf moves the Court to terminate the deposition and discovery on the grounds that it is being conducted in bad faith, and a manner that unreasonably annoys, embarrasses, or oppresses pltf, eg: Alesia Kantor asked, "Has anyone told you that you have a memory problem?" and that pltf is a Registered Nurse and does not know what is the specialty of my physicians.

7. Pltf moves the Court to terminate the deposition and discovery on the grounds that questions conducted are unduly burdensome, and can be obtained by other means, eg: "411" for physicians addresses, other civil actions which even Judge Bloom had to Order Alesia Kantor to access the "public record."

8. Pltf moves the Court to terminate the deposition and discovery on the grounds that questions conducted were non-beneficial, and per Alesia Kantor demanded "Yes" or "No" answers, which violates discovery Rules.

9. Pltf moves the Court to redact my daughters' personal information from the record.

Despite pltf's medical problems, etc., pltf made a good

faith effort to attend a bad faith deposition.

WHEREFORE, plty moves the Court for a Motion to Compel documents and to terminate deposition.

I declare under penalty of perjury that the foregoing is true and correct.

Respectfully submitted,
Ann Burton Pro Se
196-150 65th Street #1B
Fresh Meadows, NY 11365

Dated: Fresh Meadows, NY
November 15, 2011

I certify that a copy has been mailed via ^{Fed Exp} ~~USPS~~ ^{11/15/11}
~~Class U.S.P.S.~~ mail to depts at Nixon Peabody,
50 Jorcho Quadrangle, Ste 300, Jorcho, NY 11753, on
November 15, 2011.

Ann Burton Pro Se